

**UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DAVID M. REES and	)	
WENDY REES,	)	
	)	C.A. No. 2:14-cv-12401-GCS-RSW
	)	
Plaintiffs,	)	Hon. George Carah Steeh
	)	
v.	)	
	)	<b>ORDER DISMISSING DEFENDANT</b>
	)	<b>METRO INDUSTRIAL</b>
BOARD OF TRUSTEES OF	)	<b>CONTRACTING, INC. ONLY WITH</b>
IRON WORKERS' LOCAL NO. 25	)	<b>PREJUDICE AND WITHOUT COSTS</b>
FRINGE BENEFITS FUNDS et al.	)	<b>IN LIEU OF F. R. CIV. P. 41</b>
	)	<b>MOTION BY PLAINTIFFS AND</b>
	)	<b>WITHDRAWING METRO'S</b>
	)	<b>MOTION TO DISMISS AS MOOT</b>

This matter having come before the Court on the stipulation of Plaintiffs and Defendant Metro Industrial Contracting, Inc. ("Metro") that, in lieu of Plaintiffs' filing of a notice of voluntary dismissal under F. R. Civ. P. 41(a)(1)(A)(i) or a motion under F. R. Civ. P. 41(a)(2) seeking the dismissal of Defendant Metro from the within cause (in which Defendant Metro has not filed an answer or a motion for summary judgment); and

This Court being further advised of Defendant Metro's concurrence in the relief that Plaintiffs would have requested in such motion, pursuant to L.R. 7.1.(a)(1), on condition that the dismissal be with prejudice and without costs; and

This Court being further advised that Plaintiffs and Defendant Metro have stipulated and agreed, pursuant to L.R. 7.1(a)(1), that Defendant Metro's pending Motion to Dismiss (Doc. 25), to which only Plaintiffs (and no other parties) have responded (Doc. 32), be withdrawn as moot, with Plaintiffs and Defendant Metro each to bear their or its costs and expenses of the briefing of

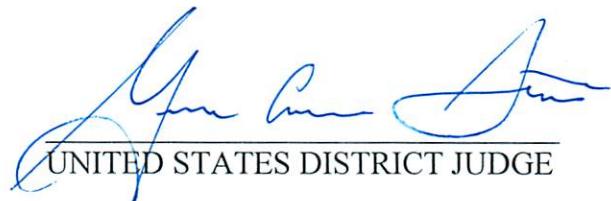
the Motion to Dismiss (including the reply brief) and the response thereto, and

This Court being further advised in the premises,

NOW THEREFORE, IT IS HEREBY ORDERED THAT, pursuant to the stipulation of Plaintiffs and Defendant Metro, Plaintiffs' claims against Defendant Metro in the within cause be and are hereby dismissed with prejudice and without costs, and that Defendant Metro be and is hereby dismissed as a party defendant in the within cause; and

IT IS HEREBY FURTHER ORDERED THAT Defendant Metro's pending Motion to Dismiss be and is hereby dismissed as moot, with Plaintiffs and Defendant Metro each bearing their and its costs and expenses relating to the briefing of said Motion.

SO ORDERED this 20<sup>th</sup> day of April 2015:



UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

/s/ Diane M. Soubly  
Diane M. Soubly  
Stevenson Keppelman Associates  
444 S. Main  
Ann Arbor, MI 48104  
(734) 747-7050  
dsoubly@skalaw.com  
Attorneys for Plaintiffs

/s/ Robert L. Goldenbogen by DMS per  
consent given on April 16, 2015  
Robert L. Goldenbogen  
Garan Lucow Miller PC  
511 Fort St., Room 505  
Port Huron, MI 48075  
(810) 985-4400  
rgoldenbogen@garanlucow.com  
Attorneys for Defendant Metro Industrial  
Contracting, Inc. ONL